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Air Pollution Regulations in State Implementation Plans: California, Sacramento County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California

Sacramento County

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Air Pollution Regulations in State Implementation Plans:

California

Sacramento County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-29

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

SACRAMENTO COUNTY APCD

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All regs approved unless otherwise specified
7/25/73	8/22/77	Rules 72, 90, 91, 92
1/22/74	8/22/77	Rule 30
7/19/74	8/22/77	Rules 11, 39, 44, 70, 73, 111
4/10/75	8/22/77	Rules 12, 22a, 22b, 25, 32-34, 40
7/22/75	8/22/77	Rule 93
11/3/75	8/22/77	Rules 71, 112, 113
11/3/75	7/26/77	Rule 13
11/10/76	7/26/77	Rule 14
2/10/76	8/22/77	Rules 94-97
11/10/76	10/4/77	Rules 1, 2, 11, 12, 21, 22a, 22b, 24, 25, 27, 28, 29, 33, 39, 44, 70, 71, 90, 92, 93, 94, 95, 96 (except a), 97, 98. Definitions for Reg VII

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STATE AIR POLLUTION REGULATIONS

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SACRAMENTO COUNTY

AIR QUALITY REGULATIONS

(2.0) RULE 1. TITLE

These rules and regulations adopted pursuant to Section 40702 of the California Health and Safety Code, shall be known as the rules of the Air Pollution Control District of the County of Sacramento.

(1.0) RULE 2. DEFINITIONS

Except as otherwise specifically provided in these rules and except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Part 3, Division 26 of the Health and Safety Code.

a. PERSON. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

b. BOARD. "Board" means the Air Pollution Control Board of the Air Pollution Control District of Sacramento County.

c. SECTION. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

d. RULE. "Rule" means a rule of the Air Pollution Control District of Sacramento County.

e. REGULATION. "Regulation" means one of the major subdivisions of the rules of the Air Pollution Control District of Sacramento County.

f. ATMOSPHERE. "Atmosphere" means the air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

(2.0) RULE 3. STANDARD CONDITIONS

"Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

REGULATION II

PROHIBITIONS

(51.16) RULE 11. STORAGE OF PETROLEUM PRODUCTS

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

a. A floating roof, consisting of a pontoon type or doubledeck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

b. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

c. Other equipment of equal efficiency, provided such equipment has been approved by the Air Pollution Control Officer.

(51.16) RULE 12. ORGANIC LIQUID LOADING

A person shall not load organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system as specified below, or its equivalent approved by the Air Pollution Control Officer.

Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

a. An absorber system or condensation system which processes all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

b. A vapor handling system which directs all vapors to a fuel gas system.

c. Other equipment of an efficiency equal to or greater than a or b if approved by the Air Pollution Control Officer.

This rule shall apply only to the loading of organic liquids having a vapor pressure of 1.5 pounds per square inch absolute (psia) or greater under actual loading conditions at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day. For the purpose of this rule, "loading facility" shall mean any organic liquid loading equipment which is both (1) subject to permit by the Air Pollution Control Officer, and (2) located so that all the organic liquid loading outlets for loading equipment can be encompassed within any circle of 300 feet in diameter.

(51.16) RULE 13. GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS

a. 1. A person shall not transfer or permit the transfer of gasoline from any tank truck or trailer into any stationary storage container with a capacity of more than 250 gallons unless such container is provided with a permanent submerged fill pipe and unless such transfer is made under one of the following conditions:

(i) The displaced gasoline vapors or gases are processed by a system that includes (1) a vapor-tight liquid fill connector, (2) a vapor-tight vapor return line to the delivery vessel of at least 3 inches nominal diameter, (3) a tank vent line sized in accordance with National Fire Protection Association Pamphlet 30, 1972 edition, paragraph 2252, and equipped with a vent discharge opening 0.5 inch diameter or a device approved by the Air Pollution Control Officer which will insure that the vapor return line is connected before gasoline can be transferred into the container. The vapor return system shall collect at least 90 percent by weight of the hydrocarbon vapors vented during filling of the stationary storage container.

(ii) The displaced gasoline vapors or gases are processed by a system approved by the Air Pollution Control Officer and with recovery efficiency at least equivalent to that of the system described in (i) above.

(iii) Transfer is made to a storage container equipped as described in Rule 11.

2. The provisions of this Rule shall not apply to the transfer of gasoline into any stationary storage container:

(i) Serviced by a delivery vessel exempted by the Air Pollution Control Officer pursuant to Rule 13c(1), if such container is equipped with a permanent submerged fill pipe by July 1, 1976.

(ii) Which is used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 36000, et seq) of the California Vehicle Code, if such container is equipped with a permanent submerged fill pipe by July 1, 1976.

(iii) With a capacity of 2,000 gallons or less and installed before July 1, 1975 if such container is equipped with a permanent submerged fill pipe by July 1, 1976.

(iv) In existence prior to July 1, 1975 which is equipped with an offset fill pipe if such container is equipped by July 1, 1976 with a permanent submerged fill pipe.

b. No person shall store gasoline in or otherwise use or operate any gasoline delivery vessel, after December 31, 1975, unless such vessel is designed and maintained to be vapor tight. Any delivery vessel into which gasoline vapors have been transferred, after December 31, 1975, shall be refilled only at a loading facility that is equipped with a system that prevents at least 90 percent by weight of the gasoline vapors displaced from entering the atmosphere.

c. 1. The owner or operator of any bulk loading facility not subject to the provisions of Rule 12 which was in operation on or before July 1, 1975, and for which the annual throughput to stationary storage containers that are not exempted by Sections a2(ii) and a2(iii) of this Rule does not exceed 500,000 gallons, may petition the Air Pollution Control Officer to have the facility's delivery vessels and other independently owned gasoline delivery vessels which are exclusively serviced at such facility exempted from the provisions of Section b of this Rule. The owner or operator of such a facility must petition annually to renew such exemptions.

2. A person shall not load gasoline into any delivery vessel from any loading facility granted an exemption pursuant to Section c(1) of this Rule unless, by July 1, 1976, such delivery vessel is loaded through a submerged fill pipe.

3. A person shall not operate any gasoline loading facility which is not subject to the provisions of Rule 12 after July 1, 1976 unless:

(i) The facility is equipped with a system or systems to prevent the release to the atmosphere of at least 90 percent by weight of the gasoline vapors displaced during the filling of the facility's stationary storage containers; and

(ii) The facility is equipped with a pressure-vacuum valve on the above ground stationary storage containers with a minimum pressure valve setting of 15 ounces, provided that such setting will not exceed the container's maximum pressure rating.

d. The owner or operator of any stationary storage container or gasoline loading facility which is subject to this Rule and which is installed or constructed on or after July 1, 1975 shall comply with the provisions of this Rule at the time of installation.

e. The owner or operator of any stationary storage container subject to this Rule or gasoline loading facility granted an exemption pursuant to Section c(1) of this Rule which is operating or in the process of being installed or constructed prior to July 1, 1975 shall comply with the provisions of this Rule by July 1, 1976, and shall comply with the following schedule:

1. On or before November 1, 1975 - Apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system;

2. On or before January 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emission control system have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

3. On or before March 1, 1976 - Initiate on-site construction or installation of emission control equipment.

4. On or before June 1, 1976 - Complete on-site construction or installation of emission control equipment; and

5. On or before July 1, 1976 - Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

f. The owner or operator of any gasoline loading facility not granted an exemption pursuant to Section c(1) of this Rule and the owner or operator of non-exempt tanks served by such facility shall comply

with the provisions of this Rule by January 1, 1977, and shall comply with the following schedule:

1. On or before May 1, 1976 - Apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system;

2. On or before June 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emissions control systems have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

3. On or before September 1, 1976 - Initiate on-site construction or installation of emission control equipment;

4. On or before December 1, 1976 - Complete on-site construction or installation of emissions control equipment; and

5. On or before January 1, 1977 - Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

Gasoline dispensing and vapor recovery systems used to comply with the provisions of this Rule shall comply with all safety, fire, weights and measures, and other applicable codes and/or regulations.

For the purposes of this Rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

For the purposes of this Rule, "gasoline vapors" are defined as the organic compounds in the displaced vapors including any entrained liquid gasoline.

For the purposes of this Rule, the term "submerged fill pipe" is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

(51.16) RULE 14. TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS

a. A person shall not transfer or permit the transfer of gasoline from a stationary storage container subject to the provisions of Rule 13a into any motor vehicle fuel tank of greater than 5 gallons capacity unless such transfer is made through a fill nozzle which directs the gasoline vapors displaced by the transfer through the fill nozzle to a system that will prevent at least 90 percent by weight of such gasoline vapors from entering the atmosphere.

b. The owner or operator of any gasoline dispensing system subject to this Rule shall comply with the provisions of this Rule by May 31, 1977 and shall comply with the following schedule:

1. On or before November 1, 1975 - Apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system.

2. On or before November 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emission control system have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued.

3. On or before January 1, 1977 - Initiate on-site construction or installation of emissions control equipment.

4. On or before May 1, 1977 - Complete on-site construction or installation of emission control equipment; and

5. On or before May 31, 1977 - Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

Gasoline dispensing and vapor recovery systems used to comply with the provisions of this Rule shall with all safety, fire, weights and measures, and other applicable codes and/or regulations.

For the purposes of this Rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

For the purposes of this Rule "motor vehicle" is defined as any vehicle registered with the California Department of Motor Vehicles.

(50.1.1) RULE 21. DUST AND CONDENSED FUMES

A person shall not discharge into the atmosphere in any one hour from any source whatsoever dust or condensed fumes in total quantities in excess of the amount shown in the following table:

To use the following table, take the process weight per hour as such is defined below. Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if "A" has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example, 1,500 lbs., by 3 giving a process weight per hour of 500 lbs. The table shows that "A" may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge may be interpolated.

TABLE

Process Weight Per Hour (lbs)	Maximum Weight Discharge/hr (lbs)	Process Weight Per Hour (lbs)	Maximum Weight Discharge/hr (lbs)
200 or under	1.00	3400	5.44
300	1.20	3500	5.52
350	1.35	3600	5.61
400	1.50	3700	5.69
450	1.63	3800	5.77
500	1.77	3900	5.85
550	1.89	4000	5.93

For the purpose of this Rule, "Process weight per hour" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which equipment handling such process is idle.

(51.13) RULE 22a. OPEN FIRES

A person shall not burn any combustible refuse in an open fire, except:

1. Such refuse that is generated and burned on the premises of a single or two-family dwelling in the unincorporated area of the County of Sacramento, State of California, situated south of the center line of Township 7 North, or in any incorporated city whose boundaries are situated wholly south of such center line. The burning of putrescible waste, bedding, asphaltic products or rubber products are excluded from this exception.

2. When such fires are set and permission for such fires is given in the performance of the official duty of the Health Officer, the Agricultural Commissioner, or any fire protection agency officer where, in the opinion of the official, such fire is necessary:

a. For the purpose of the prevention of a fire hazard which cannot be abated by any other means; or

b. For the instruction of public employees in the methods of fighting fires; or

c. To control or to abate a public health hazard; or

d. To dispose of or control plant or animal pests and diseases.

3. When such fire is set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires; or

4. When such fire is set and used wholly for recreational purposes; or

5. When such fire is permitted under provisions of Regulation VII.

For the purpose of this Rule, "combustible refuse" is defined as any solid or liquid combustible waste material containing carbon in a free or combined state.

(51.9) RULE 22b. INCINERATOR BURNING

A person shall not burn any combustible refuse in any incinerator or other enclosure except:

1. Such refuse that is generated and burned on the premises of a single or two-family dwelling in the unincorporated area of the County of Sacramento, State of California, situated south of the center line of Township 7 North, or in any incorporated city whose boundaries are situated wholly south of such center line. The burning of putrescible waste, bedding, rubber products, or asphaltic products are excluded from this exception.

2. In equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple chamber incinerator.

For the purpose of this Rule, a "multiple-chamber incinerator" is defined as any article, machine, equipment, contrivance, structure or part of structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

For the purpose of this Rule, "combustible refuse" is defined as any solid or liquid combustible waste material containing carbon in a free or combined state.

(50.1) RULE 23. PARTICULATE MATTER

Except as otherwise provided in Rules 21 and 24, a person shall not discharge into the atmosphere from any source particulate matter in excess of 0.3 grain per cubic foot of gas at standard conditions.

(50.0) RULE 24. SPECIFIC CONTAMINANTS

A person shall not discharge into the atmosphere from any single source of emission whatsoever any one or more of the following contaminants, in any state or combination thereof exceeding in concentration at the point of discharge:

a. SULPHUR COMPOUNDS, calculated as sulphur dioxide (SO_2): 0.2 percent by volume.

b. COMBUSTION CONTAMINANTS: 0.3 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent carbon dioxide (CO_2).

For the purpose of this Rule, "combustion contaminants" are defined as particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(50.4) RULE 25. ORGANIC SOLVENTS

a. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance, with this section.

b. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in section (a), for employing, or applying, any photochemically reactive solvent, as defined in section (1), or material containing such photochemically reactive

solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

c. A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determing compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

d. A person shall not sell or offer for sale for use in Sacramento County, in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in section (1).

e. A person shall not employ, apply, evaporate or dry in Sacramento County any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in section (1).

f. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in section (1).

g. For the purposes of this Rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

h. A person shall not during any one day dispose of a total of more than 1 1/2 gallons of any photochemically reactive solvent, as defined in

section (1), or of any material containing more than 1 1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

i. Emissions of organic materials into the atmosphere from the clean-up with photochemically reactive solvent, as defined in section (1), of any article, machine, equipment or other contrivance described in sections (a), (b) or (c), shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this Rule.

j. Emissions of organic materials into the atmosphere required to be controlled by sections (a), (b) or (c), shall be reduced by:

1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

2. Adsorption, or

3. Processing in a manner determined by the Air Pollution Control Officer to be nor less effective than (1) or (2) above.

k. For the purposes of this Rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220 degrees F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 degreesF.

l. For the purposes of this Rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent.

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene; 8 percent.

3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene; 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member

of the most reactive chemical group; that is, that group having the least allowable percent of the total volume of solvents.

m. For the purposes of this Rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

n. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

o. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

p. The provisions of this Rule shall not apply to:

1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

2. The spraying or other employment of insecticides, pesticides or herbicides.

3. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

4. The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c) or (i), if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not photochemically reactive as defined in section(l) and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

5. The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c) or (i), if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in section (l) and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

6. The use of equipment for which other requirements are specified by Rules 11, 12, 13, 14 or 28 or which are exempt from air pollution control requirements by said Rules.

q. In addition to other restrictions contained in these Rules and Regulations:

1. A person shall not use, in any dry cleaning operation, organic solvents containing 4 percent or more by volume of any photochemically reactive organic material as defined in section (l), unless the emissions of the discharged organics are reduced by 90 percent or more by use of any of the methods described in section (j).

2. A person shall not discharge into the atmosphere any organic materials from surface degreasing operations unless they are either reduced by at least 85 percent, or unless such materials are not photochemically reactive as defined in section (l).

3. A person shall not manufacture, for use within Sacramento County, nor use any photochemically reactive solvent as defined in section (l) for the purpose of thinning or diluting any metal surface coating.

(51.21) RULE 26. REDUCTION OF ANIMAL MATTER

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

a. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second, or

b. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified

by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions. For the purpose of this Rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(51.1) RULE 27. ORCHARD HEATERS

a. A person shall not sell for use within the State of California any combustion heating device which can be used for the purpose of providing frost protection to agricultural crops, unless the design of such device has been approved by the California Air Resources Board.

b. A person shall not use any combustion heating device for the purpose of providing frost protection to agricultural crops, unless the design of such device has been approved by the California Air Resources Board.

(2.0) RULE 29. CIRCUMVENTION

a. REDUCTION OR CONCEALMENT OF EMISSIONS.

A person shall not build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants into the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Part 3, Division 26 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California.

b. SEPARATION OF EMISSIONS.

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant limited in this Regulation cannot exceed the quantity which would be the allowable emission through a single emission point; the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

c. COMBINATION OF EMISSIONS.

1. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, then all of the applicable prohibitions shall apply to each such source operation separately.

2. If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of Part a. of the prohibition, then all applicable prohibitions shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by these prohibitions on any of the source operations whose air contaminants are so combined.

REGULATION III

PROCEDURE BEFORE THE HEARING BOARD

(2.0) RULE 31. GENERAL

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) RULE 32. FILING PETITIONS

a. A request for a hearing shall be initiated by the filing of a petition in triplicate with the Hearing Board of the Air Pollution Control District of the County of Sacramento, after service of a copy of the petition has been made on the Air Pollution Control Officer. If the petitioner is the Air Pollution Control Officer, a copy of the petition shall be served upon the party named in the petition. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service. A fee of $75.00 shall be paid at the time of filing of a petition for a variance, or a petition to revoke or modify a variance.

b. All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

c. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth his authority to sign.

(2.0) RULE 33. CONTENTS OF PETITION

Every petition shall state:

a. The name, address and telephone number of the petitioner, and the person authorized to receive service of notice, if different therefrom.

b. Whether the petitioner is an individual, partnership, corporation or other entity, and the names and addresses of the officers, if a corporation; and the names and addresses of the persons in control, if some other entity.

c. The name, location, and type of business or activity concerned.

d. A brief description of the article, machine, equipment or other contrivance, if any involved.

e. The nature of the petition which is being filed; that is, whether the petition is being filed pursuant to Sections 40824, 41703, 42307, 42357 or any other sections of the Health and Safety Code, or to

review the denial or conditional granting of an authority to construct or permit to operate under Rule 50 of these Rules and Regulations.

(5.0) RULE 34. PETITIONS FOR VARIANCES

In addition to the requirements set forth in Rule 33, petitions for variances shall state briefly:

a. The section, rule or order complained of.

b. The facts showing why compliance with the section rule, or order is unreasonable.

c. What period of time is needed for compliance and increments of progress if variance required exceeds one year.

d. The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.

e. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

f. The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

g. Whether or not operations under such variance, if granted, would constitute a nuisance.

h. Petitioner shall be required to set forth quarterly progress reports toward such compliance with the statutory provision or rule or regulation for which he seeks a variance and when total compliance shall be accomplished.

(2.0) RULE 35. FAILURE TO COMPLY WITH RULES

No petition shall be accepted by the Hearing Board for filing which does not comply with these Rules relating to the form, filing and service of petitions, unless the chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) RULE 36. ANSWERS

Any person may file an answer within 10 days after service. All answers shall be served in the same manner as that specified for petitions under Rule 32.

(2.0) RULE 37. DISMISSAL OF PETITION

The petitioner may, by giving notice to the Hearing Board, dismiss his petition at any time prior to the time set for a hearing thereof, without a hearing or meeting of the Hearing Board. The Hearing Board shall notify all interested persons of such dismissal.

(16.0) RULE 38. PLACE OF HEARING

All hearings shall be held at 2221 Stockton Boulevard, Sacramento 17, California, unless some other place is designated by the Hearing Board.

(16.0) RULE 39. NOTICE OF HEARING

The Hearing Board shall give notice of the time and place of hearing either by personal service, or by mail as provided by Section 15 of the California Health and Safety Code, not less than 30 days prior to such hearing. Notice shall be given to all parties to the action, including the Air Pollution Control Officer, the Air Pollution Control Officer of each district within the Sacramento Valley Air Basin, the California Air Resources Board, the U.S. Environmental Protection Agency, and, where applicable, to any other person entitled to notice under Section 40823, 40824, 40825 or 40826 of the California Health and Safety Code and shall be sent to every newspaper of daily circulation published within Sacramento County, and shall be advertised in one such newspaper.

(2.0) RULE 40. EVIDENCE

a. Oral evidence shall be taken only on oath or affirmation.

b. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to present rebuttal evidence. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

d. The Hearing Board shall allow interested members of the public a reasonable opportunity to testify with regard to a matter under consideration. Interested persons may attend and submit oral or written statements at the hearing; however, it is desirable that written statements be submitted to the Hearing Board five (5) days before the hearing. Statements need not conform to formal rules of evidence. The chairman may impose reasonable limits on the duration of oral presentations.

(2.0) RULE 41. PRELIMINARY MATTERS

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, permitting amendments thereto and other preliminary matters not determinative of the merits of the case may be determined by the chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) RULE 42. OFFICIAL NOTICE

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) RULE 43. CONTINUANCES

The chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, which is concurred in by petitioner, the Air Pollution Control Officer and by all other persons who are party to the action. This action may be taken without a meeting of the Hearing Board and without prior notice.

(2.0) RULE 44. DECISION

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, a determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing. The decision shall include such statements as required under Sections 40862, 42352 and 42353 of the Health and Safety Code of the State of California and shall set forth requirements for quarterly reports of increments of progress and final compliance date as required under Rule 34 herein.

(2.0) RULE 45. EFFECTIVE DATE OF DECISION

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 44, or the Hearing Board may order that the decision shall become effective at an earlier date.

REGULATION IV

ENFORCEMENT

(15.0) RULE 46. AUTHORITY TO ARREST

In the performance of his duties, the Air Pollution Control Officer and his duly authorized agents shall have the authority and immunity of Public Officers and employees as set forth in Penal Code Section 836.5 to make arrests without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is in violation of any of the Rules and Regulations of this Air Pollution Control District wherein he has the authority to enforce or of any statute which he has the authority to enforce.

(Rule 46 enacted March 1, 1971)

(3.0) RULE 70. PERMIT FEES

Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, for which an authority to construct or permit to operate is required by State law or by the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of $20.00 at the time of application.

Where an application is filed for a permit to operate any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, by reason of transfer from one person to another, and where a permit to operate had previously been granted under Rule 55, and no alteration, addition or transfer of location has been made, the applicant shall pay a $10.00 filing fee.

Where the application is for transfer of location and no alteration or addition has been made, the applicant shall pay only the filing fee of $20.00.

In addition to the fixed fees above, where an application is filed for a permit to operate any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, by reason of transfer of location or transfer from one person to another, or both, and where a permit to operate had previously been granted for such equipment under Rule 55, and an alteration or addition has been made the applicant shall be assessed a fee based upon the increase in total equivalent horsepower rating, the increase in total fuel burning requirement, the increase in maximum horizontal inside cross sectional area, or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedule contained herein.

Where an application is filed for an authority to construck or a permit to operate, exclusively involving revisions to the conditions of an existing permit to operate or involving alterations or additions resulting in a change to any existing article, machine, equipment or other contrivance holding a permit under the provisions of Rule 55 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total equivalent horsepower rating, the increase in total fuel burning requirement, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions as described in the fee schedule contained herein.

Where there is no change or is a decrease in such ratings, the applicant chall pay only the amount of the filing fee required herein.

After the provisions for granting permits as set forth in Part 3, Division 26, of the Health and Safety Code and the Rules and Regulations have been complied with, tha applicant shall be notified by the Air Pollution Control Officer, in writing, of the fee to be paid ofr issuance of the permit to operate. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall serve as a temporary permit to operate for thirty days from the date of personal service or mailing. Nonpayment of the fee within this period of time shall result in the automatic cancellation of the application.

If an application for an authority to construct or a permit to operate is cancelled or if an authority to construct or a permit to operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedule within thirty days after the date of the decision of the Hearing Board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application. Such fee shall not be charged for a permit to operate granted by the Hearing Board for the duration of a variance.

A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within ten days after the destruction, loss or defacement of a permit to operate. A fee of $6.00 shall be charged, except to any State or Local govermental agency or public district, for issuing a duplicate permit to operate.

Every applicant, except any state or local govermental agency or public district, for a permit to operate who files an application with the Air Pollution Control Officer, shall, in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in the following schedules.

It is hereby determined that the cost of issuing permits and of inspections pertaining to such issuance exceeds the fees prescribed.

SCHEDULE 1: HORSEPOWER

Any article, machine, equipment or other contrivance where electrical energy is used shall be assessed a permit fee based upon the total design rated horsepower, or its horsepower equivalent in kilovolt amperes (1KVA = 1.34 HP), of the article, machine, equipment of other contrivance.

The fee shall be $12.00 plus $2.50 for each increment of 5 horsepower or portion thereof. The fee shall not exceed $250.00.

SCHEDULE 2: FUEL BURNING REQUIREMENT

Any article, machine, equipment or other contrivance in which fuel is burned, with the exception of incinerators which are covered in Schedule 3, shall be assessed a permit fee based upon the design fuel consumption of the article, machine, equipment or other contrivance expressed in British Thermal Units (BTU) per hour, using gross heating values of the fuel:

The fee shall be $12.00 plus $1.00 for each increment of 100,000 BTU/hr or portion thereof. The fee shall not exceed $250.00.

SCHEDULE 3: INCINERATORS

Any article, machine, equipment or other contrivance designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

The fee shall be $35.00 plus $5.00 for each increment of 5 square feet or portion thereof. The fee shall not exceed $250.00.

SCHEDULE 4: STATIONARY CONTAINERS

Any stationary tank, reservoir, or other container shall be assessed a permit fee based on the following schedule of capacities in gallons or cubic equivalent:

The fee shall be $9.00 plus $1.00 for each increment of 10,000 gallons or portion thereof. The fee shall not exceed $250.00.

SCHEDULE 5: MISCELLANEOUS

Any article, machine, equipment or other contrivance which is not included in the preceding schedules, including equipment with no rating, shall be assessed a permit fee of $20.00.

IT IS FURTHER ORDERED that Rule 71 of the Regulation VI, Fees, is amended to read as follows:

(16.0) RULE 71. HEARING BOARD FEES

a. Every applicant or petitioner to the Hearing Board for a variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authority to construct or permit to operate, except any state or local governmental agency or public district, shall pay a fee in the sum of $75.00 at the time of filing his petition or application. It is hereby determined that the cost of administration of Article 2, Chapter 4, Part 4, Division 26, Health and Safety Code, or Rule 58 of these Rules and Regulations, exceeds $75.00 per petition.

b. Any person requesting a transcript of the hearing shall pay the cost of such transcript.

c. Section a. of this Rule shall not apply to petitions filed by the Air Pollution Control Officer.

(9.0) RULE 72. ANALYSIS FEES

Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may offer the collection of samples and the analysis made by qualified personnel of the Air Pollution Control District. The time required for collecting samples, making the analysis and preparing the necessary reports, but excluding time required in going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

(3.0) RULE 73. EXCEPTIONS: OPERATING PERMIT FEES

Every application, except any state or local governmental agency or public district, for permit to conduct an activity as defined in, and pursuant to, Rule 30, shall pay a filing fee of $200.00 at the time of application.

REGULATION VII

AGRICULTURAL BURNING

(3.0) (51.13) RULE 90. AGRICULTURAL BURNING PERMITS

A person shall not set fires for, or allow burning, for the purpose of disposal of agricultural waste unless he has a valid permit from an agency listed in Rule 98 of these Rules and Regulations, and conducts such burning under conditions set forth in such permit. Such person or his representative shall have the permit available for inspection at the burn site during the burn.

(3.0) RULE 91. PERMIT FORM

Permits issued pursuant to Rule 90 shall contain the following conditions and information:

a. Name, address and telephone number of the permittee;

b. Location of the proposed burning;

c. Acreage (for field crops) or estimated tonnage of material to be burned;

d. Nature of the waste to be burned;

e. Such limitations as to hours of burning and acreage to be burned per day as specified in Rules 94 and 95 of these Rules and Regulations;

f. The statement "this permit shall be valid only on those days in which burning in Sacramento County is not prohibited by the California Air Resources Board, except as authorized by the Air Pollution Control Officer."

g. Such other conditions and information as may be required by the agency issuing this permit and these rules.

(51.13) RULE 92. "NO BURN" DAYS

A person shall not set fire, or allow agricultural burning, on days within a period prohibited by the California Air Resources Board, pursuant to Section 41855 of the California Health and Safety Code, except as authorized by the Air Pollution Control Officer under Rule 96 below.

(51.13) RULE 93. PREPARATION OF AGRICULTURAL WASTE

A person shall not set fires for, or allow the burning of agricultural waste unless such waste is prepared in the following manner:

a. Free of material other than agricultural vegetation refuse or other unwanted agricultural plant material growing or produced on the

premises on which such burning is taking place;

b. Reasonably free of soil and visible surface moisture;

c. For rice crop residue:

1. Allowed to dry for a minimum of three (3) days for spread straw;

2. Allowed to dry for a minimum of ten (10) days for unspread straw;

3. Sections c.1 and 2 above shall not apply if a composite sample of the straw to be burned makes an audible crackle when bent sharply.

4. After a rain, straw shall not be burned unless a composite sample of the straw to be burned makes an audible crackle when bent sharply.

A composite sample of straw shall be that straw taken from under the mat, in the center of the mat and from different areas of the field.

d. For other agricultural waste:

1. Allowed to dry a minimum of thirty (30) days for trees, stumps and large branches greater than six (6) inches in diameter.

2. Allowed to dry a period of time sufficient to provide effective combustion, for any collection of prunings, small branches, and other field crop residue.

e. Physically arranged so that it will burn with a minimum of air pollutants.

(51.13) RULE 94. LIMITATION ON DAILY BURNING RATE

The Air Pollution Control Officer will insure that no more than 4000 acres of field crop residue and 10,000 tons of other agricultural waste will be burned in any one day, except as provided under Rule 95 and Rule 96 below.

(51.13) RULE 95. OTHER BURNING LIMITATIONS

a. A person shall not set a fire for the purpose of burning agricultural waste earlier than 10:00 a.m. or after 3:00 p.m. Pacific Standard Time of 5:00 p.m. Pacific Daylight Time on any day.

b. A person shall not, except as provided in Rule 96(b), set a fire for the purpose of the disposal of agricultural waste within the following described area when the predicted winds are from any direction

within 90 degrees of true north, to wit: commencing at a point where the Sacramento and American Rivers merge; then north along the Sacramento River to the point where the river intersects the Sacramento-Sutter County borderline; then east along said Sacramento-Sutter County Borderline to a point where said line intersects the main railroad line of the Western Pacific Railroad, which line runs north from the City of Sacramento to Sutter County; then south along said railroad line to a point where intersection is made with the American River; then west along the American River to the point of beginning.

c. The Air Pollution Control Officer shall insure that no more than 1250 acres of rice crop residue will be burned per day between October 1 and November 15, inclusive.

d. A person shall not ignite or allow to be ignited field crop residue except by strip firing into the wind, or backfiring methods, unless preluded by extreme fire hazard conditions.

(3.0) (8.0) RULE 96. EMERGENCY PERMITS

a. The Air Pollution Control Officer may, by written permit, authorize the burning of agricultural waste in greater amounts than specified in Rule 94, or on no-burn days otherwise prohibited by Rule 92, or under conditions prohibited by Rule 95(b), if the denial of such permit would threaten imminent and substantial loss.

b. The Air Polluction Control Offier may authorize 600 acres per day of field crop reisdue to be burned on a burn day when predicted winds are within 90 degrees of true north, in an area where such burning is otherwise precluded by these rules when, in his opinion, such burning in necessary to preclude hazards on public thoroughfares or airports due to smoke. Befor authorization may be granted a written request to burn must be submitted through the appropriate fire protection agency stating the reasons why burning is necessary to preclude hazards on public thoroughfares or airports due to smoke.

(51.13) RULE 97. AGRICULTURAL WATERWAY DELIVERY AND DRAINAGE SYSTEMS

This Rule shall not apply to privately owned water delivery or drainage ditches which are subject to Rule 93.

Open outdoor fires utilized to maintain levees or drainage ditches delivering water to or from agricultural operations are considered to be agricultural operations, and will comply with the same requirements as agricultural burning except as further restricted below:

a. Any open fire burning on levees will be conduted between July 1 and September 30 inclusive, except that the Air Pollution Control Officer may authorize an exception at any other time when necessary to preclude a hazardous condition.

b. Each reclamation or levee maintenance district shall obtain an agricultural burn permit from the appropriate fire protection agency for the locations of any burn, and such fire protection agency will be notified on any day prior to burning.

c. For purposes of this Rule, the American Riv er is not considered a system for the delivery of water for agricultural use. This exemption is made in consideration of the development of the American River Parkway and use of the river and adjacent areas by the general public as a recreational facility.

d. For purposes of this Rule, water delivery systems within the geographical limits of the City of Sacramento are not considered systems for the delivery of water for agricultural use. This exemption is made in consideration of the density of population within the geographical area of the City of Sacramento and potential fire hazards and smoke nuisance that may result from agricultural burning.

(3.0) RULE 98. PERMITS BY FIRE PROTECTION AGENCIES

All public fire protection agencies having areas of jurisdiction within the County of Sacramento are authorized to issue agricultural burning permits within the County of Sacramento under Rule 90 of these Rules and Regulations. A permit may be issued by the Air Pollution Control Officer, subject to restrictions of the fire protection district in which such burning would occur.

(1.0) DEFINITIONS

For the purpose of Regulation VII "agricultural operations" means the growing of crops or raising of fowl or animals for the primary purpose of making a profit or for a livelihood and forest management or range improvement.

For the purpose of Regulation VII "agricultural burning" means:

(1) Open outdoor fires used in agricultural operations, in the growing of crops or raising of fowl or animals, forest management or range improvement;

(2) Open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (1) above.

REGULATION VIII

MISCELLANEOUS PROVISIONS

(2.0) RULE 111. DISCLOSURE OF DATA

The Air Pollution Control Officer shall, upon due notice, make the following data and information available to the public and other authorized governmental agencies for examination and provide copies thereof when appropriate:

a. Data concerning measurements of air pollutant concentrations in the outside atmosphere;

b. Information and data disclosed in public hearings, meetings and open courts of law;

c. Information and data authorized by Chapter 3.5 of Division 7 of the Government Code (Inspection of Public Records, Section 6250 et seq.) and amendments thereto that may be made from time to time. Such information and data shall include source emission test data, provided however, that the release of any information or data that is alleged by a person or entity owning said information or data is a trade secret shall be governed by the provision of subsection d of this Rule 111.

d. In accordance with the provisions contained in Section 6254.7 (d) of the Government Code all air pollution emission data, whether declared to be a trade secret or not, are public records and may be released by the Air Pollution Control Officer as provided in this Rule 111. Provided, however, that the information and data which constitutes a trade secret and are used to calculate the end product trade secret emissions data are not public records.

(10.0) RULE 112. NEW SOURCE PERFORMANCE STANDARDS

All new sources of air contaminants and all modified existing sources shall, to the extent required therein, comply with the provisions of Appendix A of these Rules and Regulations, which Appendix A by this reference is made a part hereof. (copies of Appendix A may be obtained from the Air Pollution Control Officer.)

(11.0) RULE 113. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

All sources of hazardous air pollutants shall, to the extent required therein, comply with the provisions of Appendix B of these Rules and Regulations, which Appendix B by this reference is made a part hereof. (copies of Appendix B may be obtained from the Air Pollution Control Officer.)

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